

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 28, 2009

DIVISION TWO

[illegible]

The abstract of judgment shall be corrected to reflect the imposition of two security fees of \$20 each, one for each count as to which appellant was convicted. A corrected abstract of judgment shall be forwarded to the Department of Corrections. In all the other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B208235 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Joseph O. III

The order terminating father's parental rights is reversed. If the minors are determined not to be Indian children after proper ICWA notice is given to the Choctaw tribes, the order terminating parental rights shall be reinstated. Conversely, the order denying father's section 388 petition is affirmed. If, after proper ICWA notice, the minors are determined to be Indian children, then father is then entitled to petition the juvenile court to invalidate the order denying his section 388 petition. (Cal. Rules of Court, rule 5.486.)

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION FOUR

B202876 Los Angeles County, D.C.F.S. (Not for Publication)
v.
G.C.

The order denying the section 388 petition is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B206212 People (Not for Publication)
v.
Soto

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

[illegible]

The clerk of the superior court is ordered to prepare a modified abstract of judgment reflecting a conviction on count 1 of involuntary manslaughter, and to forward the modified abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B204339 Gatto (Not for Publication)
v.
Panitz et al.

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B208584 People (Not for Publication)
v.
Matthew S.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
Kriegler, J.

B199066 Creatier Interactive, LLC, (Not for Publication)
v.
Anne Kaesman
Carole Salkind

The judgments are reversed. Kaesman is to recover her costs on appeal from Creatier, and Creatier is to recover the costs associated with its appeal of the grant of summary judgment from Mrs. Salkind.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION FIVE.(continued)

B203000 Rosa Olivas (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

B201868 Cynthia Beck (Not for Publication)
 v.
 Old Republic National Title Insurance Co., et al.

The judgment in favor of Old Republic is affirmed, as is the judgment in favor of MSWD. Both respondents to recover costs on appeal.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION SIX

B207259 People (Not for Publication)
 v.
 Chavez

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (continued)

B209738 People (Not for Publication)
v.
Torrence

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B199364 Safeco Ins. Co. of America (Certified for Partial Publication)
v.
Parks

In the bad faith action (Case No. B199364), we reverse the trial court's order dated May 29, 2007, granting Parks \$426,208 in attorney's fees as cost of proof sanctions. In all other respects, the judgments in both actions are affirmed. The parties shall bear their own costs and attorneys fees on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B211196 M.G., (Not for Publication)
v.
Santa Barbara Superior Court
(Santa Barbara County Child Welfare Services, r.p.i.)

The petition for extraordinary writ is summarily denied. In light of the need to promptly proceed with the section 366.26 hearing, our decision is immediately final as to this court. (Cal. Rules of Court, rule 8.264(b)(3).)

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (continued)

B207205 San Luis Obispo Co. Dept. of Social Services (Not for Publication)
v.
K.D.,

The orders are affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B199983 Stites (Not for Publication)
v.
Promus Hotel Corporation et al.,

The judgment is affirmed. Respondents shall recover their costs on appeal except for those associated with the order to show cause, which shall not be recovered. The order to show cause is discharged.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

B205296 People (Not for Publication)
v.
Castillo

The judgment and post-judgment orders are reversed.

Zelon, J.

I concur: Jackson, J.
I dissent: Woods, Acting P.J. (Opinion)

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., O'Neill, J. (Assigned) and C. Hon, Deputy Clerk.

Each of the following:

B201676 People v. Roa
B205499 People v. Pinkett
B205290 People v. Jones, Jr.
B209750 DCFS v. J.G.
B203177 People v. Santos
B205022 People v. Taylor
B208109 DCFS v. P.J.
B205898 People v. Mejia
B202539 People v. Sevilla
B205847 People v. C.C.

Argument waived, cause submitted.

B200885 Higgins, II
 v.
 Disney/ABC

Matter continued to February 24, 2009, at 9:00 a.m.

B206227 Los Angeles County, D.C.F.S.
 v.
 C.M.

Matter continued to February 25, 2009, at 9:00 a.m.

B206065 Weilbacher
 v.
 Frontier Homebuilders, Inc.

Matter continued to March 25, 2009, at 1:00 p.m.

DIVISION EIGHT (continued)

B207361 Brown
 v.
 Marinos

Appearances:

Greg W. Jones appears for respondent and appellant having previously waived oral argument. Argument is waived, cause submitted.

B205205 Kevorkov
 v.
 Geico Direct

Merits:

Argued by Bruce Adelstein for appellant and by Lauren Linde for respondent. Cause submitted.

B199316 Mueller et al.
B196684 v
 Fresno Community Hospital & Medical Center; Shantharam

Merits:

Argued by Albert Peacock for appellants/respondents and by Kenneth Pedroza and Kenneth Bullard for respondents/appellants. Cause submitted.

Bigelow, J. left the bench.

B205026 Budrow
 v.
 Dave & Buster's Of California, Inc.

Merits:

Argued by Eric Kingsley for appellant, by Celeste Yeager for respondent and by Steven Drapkin for amicus curiae. Cause submitted.

Court recessed.

DIVISION EIGHT (continued)

Court reconvened at 12:58 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., O'Neill, J. (Assigned) and C. Hon, Deputy Clerk.

B207152 People
 v.
 Sedano

Merits:
Argued by Gilbert Wright, Deputy District Attorney for appellant and by Robin Bernstein, Deputy Public Defender for respondent. Cause submitted.

B197109 Gonzalez
 v.
 Granadeno et al.

Merits:
Argued by Steven Renick for appellants and by Stuart Esner for respondent. Cause submitted.

B196220 Dome Entertainment Center, Inc.
 v.
 Kim

Merits:
Argued by Edward Xanders for appellant and by Benjamin Shatz for respondent. Cause submitted.

Rubin, J. left the bench.

B204955 Bates et al.
 v.
 Davis

Merits:
Argued by Bradley Jacks for appellant and by Matthew Brown for respondents. Cause submitted.

DIVISION EIGHT (continued)

Rubin, Acting P.J. returned to the bench.

O'Neill, J. (Assigned) left the bench.

B201114 Holley
 v.
 The Cochran Firm et al.

Merits:
Argued by Steven Kroll for appellants and by Dan Stormer for respondent.
Cause submitted.

Bigelow, J. left the bench.

O'Neill, J. (Assigned) returned to the bench.

B209603 Club Safari, Inc.
 v.
 City Of Los Angeles

Merits:
Argued by Roger Jon Diamond for appellant and by Terry Macias, Deputy
City Attorney for respondent. Cause submitted.

Court adjourned.

B199403 Union Pacific Railroad Company
 v.
 SFPP, L.P. et. al.,

Filed order modifying opinion. Petition for rehearing is denied. (No
change in the judgment)

DIVISION EIGHT (continued)

Add to the minutes of Division Eight for December 18, 2008

Court convened in Special Session at 3:00 p.m. in Memory of Associate Justice Paul Boland.

Present: Cooper, P.J., Rubin, J., Flier, J., Bigelow, J., and C. Hon, Deputy Clerk.

Presiding Justice Cooper makes the following remarks:

Good afternoon. We meet today in a special memorial session of Division Eight of the Second Appellate District to honor Justice Paul Boland who serve with great distinction is an associate justice of this court from November 2001 to September 2007. I am Presiding Justice Candace Cooper. I begin by introducing the members of Division Eight. Seated to my right are Justice Lawrence Rubin and Justice Trish Bigelow. Seated to my left is Justice Madeleine Flier.

On behalf of the Court, I would like to welcome Justice Boland's wife, the Honorable Judge Margaret Morrow and their son, Patrick Boland. Patrick is a student at Colby College in the State of Maine and we are happy that he was able to be present for the proceedings today. I would like to take a short point of personal privilege and advise you all that I learned that Patrick is the president of the Colby Student Government Association. Patrick's success in Colby is certainly no surprise to any of us, I think he was genetically programmed for that type of success.

Some of you may be wondering why we are electing to conduct this memorial service at this time. But no doubt you remember how shocking the news was last fall when we all heard in our friend and fellow Justice Paul Boland had passed away so suddenly. At that time, because of the huge number of friends and associates that were so personally impacted by this loss, there were several very large and very well done memorial services in his honor. At that time we did not feel compelled to rush to conduct this type of ceremony. Following the immediate shock of the loss has passed however we did feel it important to honor Paul in this way.

DIVISION EIGHT (continued)

Presiding Justice Cooper's remarks continued:

Our memorial session is being conducted a little over the one-year anniversary of Paul's death. This timing feels particularly appropriate to me. The one-year anniversary of a death is honored in many cultures. In the Jewish community, the anniversary or Yahrzeit of a death is a day for solemn remembrance. Many Catholics observe the one-year anniversary by having an "intentional mass" said for them. This anniversary is also customarily observed in several Asian cultures including China, India, Japan, Korea and Vietnam. Interestingly, these special days of remembrance are also often marked by the lighting of candles and by a requirement to perform an act of charity or a good deed in honor of the departed.

The reason given in the reading that I did on this subject was that it often takes about a year to adjust to a loss and to turn to the future with both optimism and energy. I believe that timing is just about right. While I certainly appreciated the opportunity to be present at the various events in Paul's honor a little over a year ago, I think that this year's time was valuable and gave us time to reflect and adjust to the loss and also to decide just what we wanted to do in order to honor our dear colleague appropriately.

This memorial session of Division Eight will be transcribed and included in a future volume of the official California Appellate Reports. In addition, immediately after this session you are all invited to join us in the library where we will be dedicating a section of library and Paul's honor. Justice Rubin will tell you more about that after we adjourned to the Library.

In the records of Memorial sessions held for other justices around the State, I noticed that most often the sessions started with a biography of the honoree. Because I know that of the persons present today note that information intimately, I am going to ask the clerk of the court to include the written text of his biography in the record of the proceedings but I'm going to pass the opportunity to read this at this time in order to move the program along and get to our speakers.

Before we call on our first speaker, I'd like to read a letter from Chief Justice Ronald George, who was unable to be present today, but wanted to participate with the following: [read letter]

DIVISION EIGHT (continued)

It is now therefore my pleasure to begin the proceedings by introducing the Administrative Presiding Justice of the California Court of Appeal Second Appellate District, the Honorable Roger Boren.

Justices of Division Eight. I greatly appreciate the invitation and opportunity to offer some thoughts regarding my friend and colleague, Justice Paul Boland.

It has been a great blessing in my life to have known Paul for over 35 years. What a terrific privilege I have had to witness Paul's progression as he masterfully passed through the various stages of his personal and professional life: professor of law, attorney at law, superior court judge, presiding judge, President of the California Judges Association, member of the California Judicial Council, associate justice on the Court of Appeal, and no doubt, if he were still here with us, the next Presiding Justice of Division Eight.

Equally important with those professional developments were his transformation from most eligible bachelor to faithful and devoted husband, father, and his constant role as friend and mentor to all around him.

My first experience with Paul was when I was an elderly law student at UCLA where he was a bright, young professor. He was inspiring right from the start. I was an admirer without even taking a class from him. Nonetheless over the years, I came to recognize that one of Paul's greatest attributes was that he always focused on the positive. He never tooted his own horn, but he was lavish in praise of and respect for others. He lifted people that were around him.

Years after my law student days, I fortuitously found myself in a superior court room that was immediately adjacent to the one in which Paul presided. Such a treasured resource to benefit an inexperienced judge such as I was, and only 10 or 15 steps away. Paul once observed some strange activity occurring in his court room which he wisely and correctly construed as an unfolding menace regarding a heavy duty death penalty case I was trying in my courtroom. Because of his timely warning, we were able to head off and prevent a tragedy that was in the making. It was approximately during this same period that he wed the love of his life, Margaret. Marriage seemed to make him complete, and his happiness and contentment were readily apparent. Only one other event in his life transcended this: that was of course the birth of their son Patrick.

DIVISION EIGHT (continued)

Presiding Justice Boren's comments continued:

In the meantime I had come to the Second Appellate District, and Paul had been elected as the President of the California Judges Association. That brought him to membership on the California Judicial Council at a time when I, again fortuitously, was also allowed to serve there. To get to the Council meetings, we often flew on the same airline and aircraft from Burbank to San Francisco and back. That gave us opportunities to talk about all kinds of personal and even mundane things, as well as Judicial Council issues. Mostly through those years we talked of family and similar things that were important to us. How he loved to describe the growth and development of Patrick and the accomplishments and experience of his wife Margaret.

Thereafter, Paul was appointed to the Court of Appeal – an elevation that should have occurred far earlier but was greatly celebrated when it did occur. This was an appointment as to which there was absolutely only praise – no critical words anywhere. And why not?

Because as anyone who had the pleasure and privilege of working with Paul – whether as a student or as a colleague – well knows, Paul was brilliant in his analysis and comprehension of problems -- legal, judicial, political, or administrative. And he was always a consensus builder. He did not throw his opinions around like heavy weights. He was never loud or bombastic, but everyone listened to his advice. Even when his view was contrary to your own (although I like to think that I always was on the same side he was) it was never a debate. Paul always offered his views in the spirit of what result or direction would be of most lasting value or benefit. You did not feel that he wanted to win any argument. He just wanted the group, the organization, the council, or the court – to do what was best. He needed no credit, and it never felt like he was challenging contrary opinions. He offered solutions.

I must also tell you that in my role as Administrative Presiding Justice, and even before that, Paul always took time to offer me needed advice or a heads up about things that were in the wind. Especially if we needed a course correction. He always did that of out kindness and consideration. It was never a matter of influence or power. It was simply a concern for others.

And finally let me acknowledge what all of us on the Court of Appeal know. That Paul took our routine annual extern activity and turned it into a model program of statewide and national renown. To our externs, he was a giant and yet a friend who gave them during a 60 day summer experience an education that that they could build their law

DIVISION EIGHT (continued)

Presiding Justice Boren's comments continued:

careers around. Paul posthumously received the Judicial Council's KLEPS award in recognition of his exemplary service in developing and presiding over the extern program of the Second Appellate District. I only wish he could have received it in person. The student externs loved and respected him. His colleagues did likewise. Great men do not come often. Paul was one of those great men, and I continue to miss him. Thank you.

Cooper, P.J. calls on Hon. Lourdes G. Baird (Retired):

Good afternoon. Many of you knew Paul as a colleague here in the court of appeals and on the superior court. Many of you may know Paul as an innovator in the world of legal education. And many of you may know Paul as a mentor. In all of these roles Paul had a lasting effect in the legal community. In his role as a mentor, he supported the aspirations of many of us who had few role models with which we could identify in earlier days. One can recognize his hand in the changed profile of, not only our legal community, but the judiciary in particular. I have little to add to the many eloquent tributes that he has already received, so I will take a few minutes to talk with you about the personal impact that Paul had on me, because it was so huge.

Let me take you back 34 years to the late spring of 1974. This was a very difficult time for me. I was in the midst of a divorce and becoming a single mother with 3 young children. I had completed a difficult first year as a student at UCLA law school, joining a very small group of women in my class and only one even close to my age. I had no vision of where I could fit into the legal field after graduation, if I did graduate and pass the bar. My self esteem was at an all-time low.

Despite this, I was encouraged that first year by positive remarks about my moot court presentation and I began to consider trial practice as an area I might pursue. I was advised that I must take the one-year clinical trial advocacy course offered only to 2ND year students. I made a call to the clinical program office to inquire, knowing that it was likely too late for me to get in. The person on the other end of the phone made an appointment for me to come to the office that afternoon to determine whether I should or could take the course.

Unbeknown to me, I was talking to one of the professors of trial advocacy, Professor Boland. That call changed my life. During that interview, Paul managed to tease out of me all of my insecurities about being a lawyer that I had successfully hidden until then. He put me at ease at the very beginning of the meeting when he disclosed that he had grown up in a house just around the corner from mine. He must have seen me as a real challenge and he let me enroll.

January 28, 2009 (Continued)

DIVISION EIGHT (continued)

Hon. Lourdes G. Baird's comments continued:

Keep in mind that until then, my whole idea of a successful trial lawyer was a large, intimidating male presence in the image of Raymond Burr as Perry Mason in the successful television show of that name at the time. And I knew full well that there was no way I could ever duplicate that model. In his gentle way, Paul worked on me giving me the self confidence that i sorely lacked at that time. He made me realize that successful advocacy came in many forms and with many faces. He showed me that the way to reach success was by working hard, being prepared and above all by being yourself. With Paul's consistent support and encouragement that year, which he managed to share with all of his students, I began to believe in myself and to reach out and set some goals. I was able to land my first job, after graduation and passing the bar, as an assistant United States attorney prosecuting criminal cases in federal court. And that was the beginning.

But his influence didn't stop there. Our paths crossed frequently and he was always available to me at each step in my career. He acted as a sounding board with just the right words of encouragement at the right time to raise my sights to achieve the prize. In 1988 I was elevated to the Los Angeles superior court. My first assignment was to the juvenile dependency court. And who was the supervising judge? You guessed it. Judge Boland.

And now to complete the full circle, several years ago while I was sitting on the federal bench, I moved from Los Angeles to Pasadena and found a house on a nice quiet street. Where? Of course, just around the corner from Paul and Margaret's home. Like many others in the neighborhood, early in the morning Paul walked their golden labs, Shamrock and Molly, and I often fell into step with them and had discussions with him which I clearly remember to this day. I miss him. Just as so many others like myself that he helped along the way must also miss him. But he has left us with his presence which will never vanish because it is so huge.

Thank you.

Cooper, P.J. calls on Mr. David Binder:

Good afternoon your Honors. I'm quite honored to be able to say a few words about Paul today. And I'm going to try to include in my comments, comments that others made at the law school about Paul over the various years.

DIVISION EIGHT (continued)

Mr. Binder's comments continued:

Paul and I came to the law school at UCLA in 1970; we came from the Western Center where we had been colleagues. Our job as we saw it, or at least a major part of our job as we saw it, was to create this thing called a clinical education program. Now, of course, at that time, we really didn't know what a clinical education program was, maybe we still don't, but we went to work on that task. And Paul stayed at the law school for 11 years and during that period of time he accomplished much. He was a fabulous teacher, an educational innovator of the first rank, a superb and respected colleague, and a wonderful administrator. I'd like to talk about each of those facets of Paul's life at the law school and hopefully I will be brief.

Paul was one of the first people in the entire country to think about let's have a clinical education program that helps those not only who intend to become litigators but also those who intend to practice in the transactional sphere. In this work, he was an innovator. And he established a number of programs to carry out this idea and one of those programs was a program with the Corporations Commission Office where students would help with the processing of various matters. Paul had an interest in this area from his work at Western Center where he represented community groups and helped them form corporations where that was appropriate. And, his program of course was a smash success and I'd like to share with you comments of a former lawyer from that office, somebody who is an associate general counsel for a major corporation here in Los Angeles. And I'll take the liberty of reading because I want to try to capture everything that the person has to say.

"Professor Boland's singular achievement begins with the establishment of the Clinical Program at the Commissioner's office. At the time of the creation of a Clinical Program involving the Department the idea of such a program was a sufficiently radical concept such that its introduction was met with extreme internal resistance and great pessimism. Like most governmental bureaucracies, this resistance needed to be overcome by an extremely persuasive and patient person. Professor Boland certainly exhibited these qualities, and the proof of his achievement is in the fact of the establishment of the Program itself.

I wish to point out that once the Program was established, it had a considerable impact in several areas of the Department. First of all, the Clinical Program caused a significant revamping of our training procedures for both new incoming lawyers and for those who were already with us, and it influenced in a tremendous degree the presentation of such teaching materials to our staff throughout the years."

That was Paul as an innovator.

DIVISION EIGHT (continued)

Mr. Binder's comments continued:

Paul was a highly respected colleague at the law school. In 1980, Dean William Warren needed to choose a new associate dean at the law school. I think this is a part of Paul's career that many do not know about. A law school's associate dean, you might see as somebody who is similar to a chief of staff, an executive whose job is to administer that which needs to be administered and most sadly for some people to be the flack catcher for those who are dissatisfied with something about the school's educational program and I would include in that students, staff, and of course, my colleagues who can be very prickly at times. When I asked Dean Warren about his choice of Paul, Dean Warren's eyes twinkled, he had the brightest smile. He said things like "Paul was perfect for the job. Everybody on the faculty totally respected and admired Paul."

Only those who have such broad respect can function as the associate dean. As Dean Warren commented, "Paul knew how to deal with people in a most respectful manner. He was a wonderful listener. He was a wonderful administrator. When I talked with members of the faculty about the possible selection of Paul as the associate dean, everyone was enthusiastic. He was a wonderful guy, a wonderful administrator, a great teacher and we hated to lose him."

Now, I want to finally say some words about Paul as a teacher. It's probably as a teacher that he has made his most lasting effect as we've already heard here today. He was a master teacher in the following respect. Paul presented the materials in his courses and the way he presented his ideas behind the course in a way that allowed his students to leave law school with an understanding and an ability to put the concepts that they were exposed to in law school into practice once they became practicing lawyers, and let me give you the remarks of just two students, former students really, who have commented about Paul.

A former lawyer at the Commissions Office stated: "It is not an exaggeration on my part to say that to me Paul's trial advocacy class was the most important single class I had during my three years at the School of Law."

This from a retired judge: "It is not an exaggeration on my part to say that to me Paul's class was by the most significant and rewarding preparation for the practice of law that I received at UCLA. This is not to down grade any of my other classes, but only to put Paul's in perspective."

DIVISION EIGHT (continued)

Mr. Binder's comments continued:

And here's a final note from a student, I hope I can get through this one. Paul had a dedication to his students far beyond any that I had ever experienced in my 38 years at the law school. And this is what a former student, now a member of the bar said:

"I would like to interject a personal touch about the teaching abilities of Paul Boland. I took the Bar a few years ago, only to be unsuccessful. Paul Boland was informed of this fact and he called me at home and suggested that I get copies of my examination and bring them to him. I carried the examinations to Paul and he critiqued those examinations for a couple of weeks, after which he and I got together for a number of hours and went through the examinations. Paul was able to point out my pitfalls and how these could be overcome. It was during this time that I really knew that this man was indeed concerned about students for students sake. It was clear to me that here was a person who had the thoughtfulness to be concerned about a student long after his duty to be concerned had been terminated."

This was vintage Paul Boland. Thank you.

Cooper, P.J. calls on Hon. Richard Byrne (Retired):

May it please the Court. Thank you for giving me the opportunity to say a few words about my friend and your former colleague, Paul Boland.

I met Paul in December 1974 when I had just been assigned to the juvenile court to supervise the newly reorganized dependency court which was housed in the old Juvenile Court Annex, a dump of a building on the outskirts of Chinatown. The building was old and run-down and had a termite trail running up the wall in the attorney conference area. Paul and two other law professors at the UCLA Law School, David Binder and Paul Bergman, came in to tell me about the clinical trial advocacy program they were running in the dependency courts and to obtain my approval to continue the program.

Paul and I hit it off right away and became good friends. In the next two years, he and his law students tried many cases in my courtroom. He was a terrific teacher and mentor. His students were always well prepared and the cases were presented in a professional manner. Paul cared for his students and kept up with many of them. Some even went on to become judges themselves – Lourdes Baird, Peter Espinosa, Ken Black, Emily Stevens, and your own Larry Rubin – just to name a few – and I'm sure I've missed some.

DIVISION EIGHT (continued)

Hon. Richard Byrne's comments continued:

In 1978, the Los Angeles Superior Court and three other courts in the United States were awarded federal grants to conduct a four-year pilot program in the juvenile dependency court. It was called the guardian ad litem program. I was coming in as presiding judge of the juvenile court and was involved in the selection of the project manager. Paul was scheduled to take a sabbatical from UCLA during the spring semester of 1979 and applied for the job. But there was one catch. He wanted to return to UCLA when his sabbatical was over in August. The committee decided that we should hire someone who could commit to the full four years and Paul didn't get the job. So, I asked him if he wanted to serve as a juvenile court referee and hear dependency cases during his sabbatical. He agreed. He found that he liked serving as a judicial officer and applied for an appointment to the superior court.

Paul was appointed in 1981 and was assigned to juvenile. I was still the juvenile PJ and assigned him to the dependency court as supervising judge and as the judicial officer responsible for the guardian ad litem program.

When the four-year pilot program was completed and there was no more federal funding the program was taken over by the court. It continues today as the Court Appointed Special Advocate program, or CASA, a public/private partnership between the Superior Court and the Friends of CASA, a not-for-profit corporation. It is one of 900 CASA programs in the United States and involves more than 350 volunteers who are appointed by the court to advocate for the best interests of abused, neglected and abandoned children.

Paul also served as presiding judge of the juvenile court in 1989 and 1990 when I was presiding judge of the superior court. Unlike most of the judges of the court, he liked being assigned to the juvenile court and he worked very hard to improve its systems and procedures to make it better. While juvenile PJ he chaired the committee that was responsible for constructing the Edmund D. Edelman Children's Court in Monterey Park, the first truly user-friendly court in the United States devoted to hearing child abuse and neglect cases.

In addition to his juvenile court assignments, Paul also served in the criminal, family and civil courts before his elevation to the appellate court in 2001.

One day, sometime in 1984, Paul asked me if I knew a lawyer named Margaret Morrow. I told him that I did – that I met her in connection with some juvenile court

DIVISION EIGHT (continued)

Hon. Richard Byrne's comments continued:

projects she was involved in with the Los Angeles County Bar Association. I asked him why he asked – and he told me that someone wanted to fix them up on a blind date. I told him to go for it – and he did. While I didn't introduce them, I was certainly an early aider and abettor. He proposed on St. Patrick's Day in 1985 and they were married in July. I had the pleasure of serving as Paul's best man.

Theirs was a marriage made in heaven. They were true soul mates – they shared a love of the law, a common work ethic, a common religion, a strong desire to make a positive contribution to society and, most of all, a deep love for one another. Patrick was born on their second wedding anniversary and is now a senior at Colby College in Maine, where he is student body president. Paul was a very involved father in Patrick's school work and many other activities. He was happy and proud that Patrick graduated from his alma mater, Loyola High School, and would be very proud of Patrick's accomplishments at Colby.

Paul was really a home body. He liked to do things around the house. He loved to garden and to cook. He and Margaret developed a beautiful home in Pasadena, which they made available to others for events, such as the July reception for the Irish Extern Program of the Irish American Bar Association.

Paul loved his work and his colleagues here in Division 8. As you know, he was a clear thinker, a good writer, and an enthusiastic collaborator. He was someone you could go to if you had a question or count on in a pinch. He contributed mightily to the work of the court. I know that you and the members of the other divisions of the Court of Appeal benefited greatly by his presence.

Personally, I truly enjoyed my association with Paul for over thirty years. He was a great guy and a lot of fun. We had much in common and good times together, both on and off the job. We were friends. I miss him.

Richard P. Byrne
Judge of the Los Angeles Superior Court (ret.)

Cooper, P.J. calls on Mr. Miguel Espinoza:

Thank you Presiding Justice Cooper, Justice Rubin, Justice Flier and Justice Bigalow, for having me here today. I've prepared a letter addressed to Paul, which I'd like to read now:

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DIVISION EIGHT (continued)

Mr. Miguel Espinoza's comments continued:

Dear Justice Boland,

Like so many here today, I never had the chance to say goodbye. So when asked to say a few words in your memory, I decided I would give my remarks in the form of one last letter, written to you. Because exchanging letters with you was one of my favorite things.

Teddy Kennedy once said of his brother Bobby, love is not an easy feeling to put into words. Nor is loyalty, or trust or joy. My love for you, Justice Boland, also is not an easy feeling to put into words. Nor is the loyalty I have for you even after your death, or the unending trust I placed in your counsel, or the joy our friendship brought to me over the years. Somehow, that this attempt to express my admiration will go down in the annals of appellate court jurisprudence is so appropriate, isn't it?

As you know Justice Boland, I never appeared before you as an attorney - I received my bar results just a few short months after your passing. You'll be happy to hear, somehow I managed to pass the thing and I'm now working as a deputy district attorney. And yes, I've lost more trials than I've won, but it's a slim margin.

I appear in court today, in the same hall where you ruled for so many years and where I served as an extern, not to make an opening statement, or closing argument, or any of the other things I would have expected to do here one day. I appear before this open court today, to explain on the record, and in the company of so many of your old friends, why I and countless other young people have loved you like they would a father. And you're probably wondering why they asked me to speak today in the first place. I asked myself the same question, believe me. I mean, you should some of the people they've got lined up: Skip Byrne, David Binder, Lourdes Baird, Roger Boren, the list goes on - heavy hitters, like a hall of fame of lawyers, some real giants. But I guess that's why I'm here today because I can describe what it feels like to stand on the shoulders of a giant.

The 12th century theologian, John of Salisbury, once said: "We are like dwarfs sitting on the shoulders of giants. We see more, and things that are more distant than they did, not because our sight is superior or because we are taller than they, but because they raise us up, and by their great stature add to ours." That was your greatest gift to us - allowing so many to stand on your shoulders and see opportunity in the future, to see things perhaps once so seemingly unattainable. Although you may have been a mentor to the masses, your wisdom and guidance never had a wholesale feel. For the hundreds of students you hoisted onto your shoulders, each one felt they had a clearer and better-rounded view of the world because of you.

January 28, 2009 (Continued)

DIVISION EIGHT (continued)

Mr. Miguel Espinoza's comments continued:

I first met you as a young boy. My dad Peter Espinoza had just graduated from UCLA Law, where you served as his mentor too. UCLA was a politically dynamic place in those days, and many minority students called it home. I'm not sure they ever told you, but those same young students - some now prominent attorneys, some judges - referred to you as the White Shadow. Maybe you remember the television show, about a lanky retired NBA star -the White Shadow - who became a basketball coach for a predominately minority, inner city high school. I can just picture you now, walking down the hallway of UCLA Law School surrounded by a throng of Chicano and African American students, your young admirers.

One of those young men, my father, is now the supervising judge of the criminal courts here in Los Angeles, largely because you hoisted him onto your shoulders so many years ago. And by the way, he's here today and he says hello.

More than 20 years after you first mentored my father, you hired me as an extern at this court. I always said there'd be a special place in heaven for a man willing to put up with two generations of Espinozas. I hope I was right.

You used so much red ink on my draft opinions that you may still be scrubbing your hands. It would have made for shorter and happier days had you just done the work yourself- but instead you treated me like a colleague and taught me to engage the law and appreciate it. As a member of the inaugural externship class, you took me and 30 other students under your wing, and crafted an award-winning program that would become a model for courts across the country. You worked hard to make sure this program - and the legal profession in general - became a more accurate reflection of the communities we serve. Thank you for reminding us that our legal system is only as strong as its ability to give everyone a fair shake -especially the most disenfranchised segments of society.

You took us on a tour of the Bradbury Building. You bought us lunch at Grand Central Market. You drove us to Teresitas in East L.A. You made us smile. After the externship program, you sent us off into the world. I thought you should know that we're doing fine. Though it does feel like there is a void without you... and I worry about the students that will never get to stand on your shoulders like we did. But we've made a promise to each other that we'll try to hoist some people onto our own shoulders, though the view for them will never be as good. And you will be happy to know that your boy Patricio and I get together just about every time he's back from school. You would be proud - he is growing into a fine young leader with an honest intellect and a great sense of humanity. I am certain the day is near when they will come to stand on his shoulders, just like they came to stand on yours.

January 28, 2009 (Continued)

DIVISION EIGHT (continued)

Mr. Miguel Espinoza's comments continued:

Well, Paul Boland, you may have bent history a little further than most men do in a lifetime. And if the throngs of admirers and friends who attended your memorial service are any indication, your spirit will never die. And one last thing before I go, something I wish I had said sooner. Much to your chagrin, I was never able to call you by your first name, Paul - I could only ever call you Justice Boland. As I used to say, you worked too long and hard for your title, and at six foot four and with a gavel in your hand, I wasn't taking any chances. But I guess today is as good a day as any. Thanks for everything, Paul.

We miss you terribly and we'll never forget the view from when we stood on your shoulders.

Your Friend,
Miguel

Cooper, P.J. calls on Mr. Robin Meadows:

It was almost exactly twenty years ago that I got a call from the new president of the Los Angeles County Bar Association, one Margaret Morrow. I wasn't especially surprised that she was hitting me up to work on a project. What I didn't know was that the work was going to lead to one of the most inspiring friendships in my life.

The project was the Children's Courthouse. Margaret wanted me to serve as the Association's representative on the Design Committee. So, the first order of business was for me to meet one of the co-chairs of the committee—who happened to be her husband. My service on the committee was a once-in-a-career experience, but as it turned out what mattered most to me was getting to know Paul. It was watching his leadership skills and discussing the project with him on the side that turned me into a life-long member of the Paul Boland Fan Club. Of course, I was hardly the first member. It was already a pretty big group, and it never stopped growing.

As impressive as Paul was on the Design Committee, what cemented my high opinion of him was watching him on the Superior Court bench, back in the days when I still spent most of my time in that court. I had a case in Paul's courtroom in around 1992, not long after he moved over to the civil side. It involved an esoteric question of suretyship law in a complex real estate transaction. The issue was challenging even if you were familiar with the area—and Paul definitely wasn't. I filed a motion for summary judgment. Shortly before the argument, I was astonished to get a call from

DIVISION EIGHT (continued)

Mr. Robin Meadows's comments continued:

Paul's law clerk. He said that in working up the case he had been having trouble with some of the issues, and that Paul had told him to call both sides to see if he could get his questions answered. Soon after that I got a call from my equally astonished opposing counsel, asking whether I'd ever had anything like this happen to me. Of course, the answer was no, and I have yet to hear of anything like this ever happening to anyone else. But when we went in to argue the case, Paul was as thoroughly grounded in the issues as any lawyer could possibly have wanted.

Beyond my own case, I had the opportunity to watch Paul run his courtroom. We all know that lawyers have a tendency to test the limits of judicial tolerance. But from what I saw, Paul maintained total control of his courtroom without ever displaying even a hint of impatience or irritation. He somehow combined firmness, humor and respect for the lawyers appearing before him in a way that defused the contentiousness that is far too common in trial courts. On top of that, his staff—always the surest indication of what a judge is really like—were as courteous and helpful as any I've ever seen.

So, it was no surprise to me that when Paul received the County Bar Association's Outstanding Jurist award in 1994, one of the biggest applause lines in the introductory speeches was this: "Paul feels that he and his staff are there to serve the needs of lawyers and their clients and not the other way around."

As everyone here knows, Paul brought the same attitude and enthusiasm to this Court. As an appellate lawyer, I delighted in hearing him talk about what it was like to be one of the founders of a new division. He reveled in the exploration of novel and creative ways of conducting the Court's business. Most important to me and my colleagues in the appellate bar was that he wasn't shy about asking for input. Any number of times I would arrive at my office to find a voicemail waiting—they were always early-morning voicemails—and there would be The Voice. No one else had a voice like Paul's. He'd be asking me whether the appellate bar could do this or that, or how the appellate bar might react to this or that idea for Division 8 or for some other court-related project he might be working on. And of course he returned the favor: Whenever I needed some wisdom about an issue involving the County Bar or the courts, I only had to pick up the phone.

Nor was it enough for Paul to help put a new division together. He also transformed the Court's extern program. I heard a story at the Kleps Award ceremony about Paul and the program that I'd like to share with you. I heard it from the extern involved. I'll call him "Joe." During Joe's summer, a group of externs regularly went

January 28, 2009 (Continued)

DIVISION EIGHT (continued)

Mr. Robin Meadows's comments continued:

out for drinks on Thursday evenings. Paul noticed that Joe seemed to hold back, so when he found Joe alone he started chatting him up. Of course, you could never hide anything from Paul, because he knew people way too well. So Paul soon learned that the issue was financial—Joe just didn't have any spare money to spend on drinks.

Paul took out a \$20 bill and stuffed it in Joe's shirt pocket. Then, he cornered the extern who was the ringleader of the Thursday night drinkers and told him to make sure that Joe went out to drinks with the crowd. And that's just what happened.

Everyone here has stories like these. They all share a theme: Paul was someone who not only always did the right thing, but went well beyond it. He did things that no one would ever expect or demand—things whose absence no one would ever even notice, much less criticize, but whose presence benefited all of us.

But to say that Paul always did the right thing does not quite do justice to his memory. It suggests that every time something came up, Paul made some kind of conscious decision about what he ought to do. I don't think Paul looked at the world that way. I think he did the right thing because it never occurred to him that there was any other way to behave. He didn't have to make decisions. He was just being himself.

That's what made me love him during his life, and it's what will make me cherish his memory for the rest of mine.

Robin Meadow

Cooper, P.J. calls on Hon. Michael Nash:

Good afternoon,

I'm honored and humbled to have been asked to speak about Paul Boland. I am like so many whom Paul befriended, mentored and inspired. He had a special gift - he made you feel so important whenever he talked to you, no matter what the subject was.

I had the privilege of starting my career as a Superior Court judge in the Juvenile Court when Paul was the Presiding Judge. I'll never forget when he called me and said, "Mike, Skip Byrne has assigned you to the juvenile court. You're going to be close to home in Van Nuys

DIVISION EIGHT (continued)

Hon. Michael Nash's comments continued:

(so far so good I thought), you will be working in the Dependency Court I'm almost embarrassed to say that my reaction was "what's that." "Don't worry", he said. It's a great assignment and you'll really like it."

Of course, Paul was right. I must like it, since it's been 19 years and I've never left. During that period of time, many people have come and gone through that court, but very few have had the lasting impact that Paul had. In my few moments with you, I will cite three examples.

The Edmund D. Edelman Children's Court in Monterey Park is home to our Dependency Court. It is the most unique court of its kind in the world in that it was designed and built to be a child sensitive courthouse -that is, one that expresses the value that it is about and for children, has many features which hopefully help reduce some of the anxiety children feel when they come to court, and ultimately contributes to the healing process these children, all of whom are victims of abuse or neglect, must go through.

The Court, which opened in 1992, was built because our court and our child protection system has long had the philosophy and policy that all children who are age 4 and older should be encouraged and facilitated to come to court and participate in this process in which they are the most important persons. That policy is still not universally accepted throughout the United States and California, but is the subject of much discussion these days. This year legislation was enacted, Assembly Bill 3051, that says that children 10 or older must have that opportunity.

You are probably asking what this has to do with Paul. When I joined the Dependency Court in 1990, that policy, which became a part of our court rules, was articulated in a memo from Paul.

More importantly, in May of 1990, a groundbreaking ceremony was held for the building of the Children's Court. Paul, for more than a year previous, had been the chair, the glue, of the Design Committee for this unique facility. He was a hardworking and detail-oriented leader and the result is, as I said earlier, the best court of its kind in the world designed for the presence of children.

As was Paul's way, I don't think he ever took enough credit for what I have long called the "house that Paul built." It always saddened me that he never spent much time there - that is until he joined the appellate court and began making annual summer treks to the courthouse

DIVISION EIGHT (continued)

Hon. Michael Nash's comments continued:

with the Court of Appeals' summer interns. I was so happy those years to have the opportunity to embarrass him by singing his praises by giving the interns information about his contributions that I'm sure he never told them about. With Margaret and Patrick's consent, I intend to see that there is a permanent recognition to Paul in the "house that he built." Stay tuned.

The second area that Paul impacted relates to children's representation. Because of Paul, we went from a system where 98% of the children were represented by the Los Angeles County Counsel which also represented the social workers in their cases. It was Paul, in 1990, who began calling for independent representation for children. Despite opposition from the County, he began a movement that ultimately changed practice in Los Angeles, California, and the nation.

Independent representation for children in dependency proceedings is now the norm as well as the law. In today's legal world, the discussion has shifted to the extent that children should be represented in dependency appellate proceedings.

The third area that I will mention is the Indian Welfare Act known as ICWA, which I hear is of some interest to the appellate courts. It is federal and state law which contains special legal requirements for Indian children that are designed to help them maintain their sense of self-identity, their link to their culture. At a conference in 1990, Paul was quoted as saying, "For the benefit of both the Indian Community and the broader Southern California Community, the Juvenile Court must take the perspective that it is not only the protector of Indian children, but the guardian of their culture. That must be our philosophy; that must be our guiding principle, as a court, and as judges of that court.

In order to foster that belief, Paul centralized Indian cases at our 2 court locations in those days - now it is one given our movement to the Children's Court. This was done to ensure that judges and attorneys in those courts had a working knowledge of the Act, become familiar with Indian culture, values, and living conditions, and aware of the resources available for Indian families. To this day, our court is one of the few, perhaps the only one that has dedicated a court to Indian cases. Plus we have a working committee whose task is to identify issues and resources necessary to meet the goals of the Act.

I came across a letter written in September 1990 after Paul announced his plans in a presentation at an ICWA symposium at UCLA. It said,

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DIVISION EIGHT (continued)

Hon. Michael Nash's comments continued:

"Dear Paul,

Your presentation at the Indian Child Welfare Act Symposium was nothing short of electrifying. The entire group was impressed that someone in your position of authority would be willing to acknowledge shortcomings in the system and to propose such specific and constructive charges. Thank you for such an important contribution."

I could go on for hours about Paul's contributions to the Juvenile Court. He was a great juvenile court judge and an even greater Presiding Judge of the Juvenile Court. He was my Presiding Judge and will always be my Presiding Judge. God bless him.

Cooper, P.J. calls on Hon. Michael Stern:

Honorable Justices, thank you very much for inviting me for the privilege of addressing some brief remarks regarding our friend Justice Paul Boland. It is particularly humbling to offer these remembrances before Margaret and Patrick and so many friends of Paul who assembled to assembled to recall the good things that he did.

Paul Boland had the unique quality that everyone was his good friend. I first met Paul when we served together on a Los Angeles County Bar Juvenile Justice Committee in the mid-1970s. Over the years we became good friends. He followed my legal career. I followed his ascension to the bench and he many times encouraged me to apply to the bench. That was characteristic of Paul. He was always encouraging others to do more and to do better. I eventually applied to the bench and Paul swore me in. In my chambers I have the photograph of Paul and me on the day when he swore me in as a Superior Court judge seven years ago, almost to this very day. When I get a decision right, I look at the picture of Paul and say to myself "Thanks Paul." When I do not, well I have to take credit for that.

Paul was a model and mentor, not only to me and many other judges, but to lawyers and law students throughout the Los Angeles legal community and beyond. We all know that some judges just decide cases; others have or proclaim to have a judicial philosophy. Paul would say he was only doing his job and had no set plan in going about it. But he did. Paul was guided in life as a judge to do what is just and right. His principles were based on deep religious commitment and his Jesuit education that taught him to live his life to serve others. He had compassion. He had the courage to do right

January 28, 2009 (Continued)

DIVISION EIGHT (continued)

Hon. Michael Stern's comments continued:

and so much patience. He tempered this with a keen Irish wit and a profound empathy for the underdog in everything he did and certainly in the opinions that he wrote as a Justice of this Court.

Everyone present today remembers that Paul always had good advice for his friends. For instance, when I told Paul that my wife Antonia and I would be visiting Ireland for the first time last year, a flurry of e-mails came from him recommending an itinerary to be followed. By that time, even Paul had replaced his characteristic personal handwritten notes and letters with e-mails. Paul outlined a trip for us. As the planning unfolded, bit by bit, I learned that Paul had structured a trip that traced the paths that he and Margaret had taken when they had visited Ireland together. Knowing that Paul wanted us to follow their footsteps was particularly important to us. Paul especially wanted us to visit Belfast in Northern Ireland and witness the peace process between Catholics and Protestants because it symbolized reconciliation and peace. We took our trip shortly after Paul passed and appreciated his advice at every turn. His presence was with us in every step during that memorable trip to Ireland and remains with us today.

In Paul's memory I'd like to read a short passage from a traditional Irish ballad that I think particularly tells us something about Paul. It's called "My Forever Friend"

Everybody needs a little help sometime
No one stands alone,
Makes no difference if you're just a child like me
Or a king upon a throne,
For there are no exceptions
We all stand in the line,
Everybody needs a friend
Let me tell you of mine.
He's my forever friend
My leave me never friend,
From darkest night to rainbows end,
He's my forever friend.

We all thank Paul for enriching our lives. His presence will be with us forever.

DIVISION EIGHT (continued)

Presiding Justice Cooper calls on the member of Division Eight who would also like to share some thoughts with you today.

Justice Bigelow:

Good Afternoon.

I'm Tricia Bigelow and since June of this year I have had the impossible task of trying to fill Paul Boland's place as an Associate Justice of this court, a position that he held with great distinction. It has been an honor to follow in the footsteps of such a legal giant.

Justice Boland and I share a love for mentoring through judicial education and I viewed him as a role model in that regard. He was known for running an excellent extern program here at the court. Before the group of externs even arrived at the court he was already fully familiar with each of their names and the law school they were attending. He handled the program with aplomb.

Justice Boland was well loved by this division, by the justices and court staff alike. I knew when I was appointed that there was no way I could take his place in the hearts of those people. I did, however, quite accidentally keep his memory alive in Division Eight one day recently when I was caught for time immemorial by our Division's photographic historian and judicial assistant, Mabel, in a somewhat compromising position. Apparently, Justice Boland was known for taking off his shoes in the afternoon and putting his feet up on his desk when he was reading. I hate to admit that we have this awful habit in common, but it has cheered up a number of people in the division to see that I carry on the tradition he started. And now, both Justice Boland and I are memorialized in the official Division Eight photo album sitting in chambers in such repose, and I it will remain my favorite memory of him.

And though I can take the same pose he did, I know I can never fill his shoes.

Justice Flier:

So much has been said about Paul Boland and the impact he had on so many people, including other judges, lawyers and law students that I will limit my comments to my personal experiences. I first met Paul Boland over 25 years ago, when he brought his UCLA law students to my courtroom to observe. I believe he developed one of the earliest clinical programs at UCLA law school.

DIVISION EIGHT (continued)

Justice Flier's comments continued:

It was clear that he was a person who cared not only about each of his students, but about the entire system of justice and the important role that the student, who would become a lawyer, would one day play in the system.

We served together for many years on the Superior Court. There again, it was clear that Paul Boland was concerned about the judicial system, and trying to think of ways to improve it. In 2003 when I was appointed as the 4th justice of the newly formed Division 8, I joined Justices Cooper, Rubin and Boland, who had already been serving for several years.

Justice Boland, in his characteristic generous way, welcomed me, helped me, and shared his experiences on the court with me. I will always be grateful for his friendship, his generosity, and the opportunity I had to work with him as a colleague.

Justice Rubin:

Like many of you, I first met Paul Boland when he was a Professor and I was his student at UCLA law school. That was 40 years ago. He was the first person at the school who talked to me about how to be a lawyer as opposed to how to read appellate cases.

As also is true with many of you, he was my most ardent supporter when I sought appointment to the bench. There was a two month period in early 1982 when he seemed to call me every week to ask if I had sent in my application. I was so full of procrastination that eventually he would call, I would pick up the phone in days before caller I.D., and in the voice that we all came to recognize, he would say not "Hi" but "Well." Finally out of exasperation, he said one day, "If the Governor ever calls, you can say 'no' just get your application in the mail."

But unlike everybody else I was privileged to have an office next to his for six years. Indeed the way our desks were configured, the easiest way for us to communicate was to pound on the common wall, and that is what we did. I would come running and, more often than not, as Justice Bigelow mentioned, he would be sitting at his desk with his shoes off. He was my mentor so I tried always to take my shoes off whenever I went into his office.

DIVISION EIGHT (continued)

Justice Rubin's comments continued:

There is so much to say about my love and affection for Paul, my deep gratitude for our friendship and professional relationship, but I think I will close by saying: I never met a finer man.

Presiding Justice Cooper:

I also would like to take this opportunity to comment about Paul. Paul was so outstanding in so many aspects of his personal and professional life that it is a difficult charge to identify first what you want to talk about and then fashion the appropriate remarks to share. I'll just simply say the following. As a friend and colleague Paul was unmatched. In all things Paul was gracious, sincere, earnest, generous and sometimes annoyingly self-effacing. His personal qualities and characteristics combined to create a working environment that was both a professional pleasure friendship and collegiality. The poet, William Wordsworth stated in "*Lines Composed a Few Miles above Tintern Abbey*," that the "best portion of the good man's life" is "his little, nameless, unremembered acts of kindness and love." Paul filled his days with these acts. They could range from a favorable comment about the handling of a difficult case, a kind remark or inquiry about problems outside of the office, or the ever present, always welcome compliment about anything I'll think of that just might improve your day.

Dr. Martin Luther King. Jr. said that it is the quality, not the longevity, of one's life that is important. Paul Boland's life was pure quality. While I might selfishly have wished for more quantity, I am ever grateful that Paul Boland was my colleague and that I had the opportunity to get to know this good man and call him my friend.

I would like to thank again all of you that have contributed your special thoughts about Justice Boland for this memorial session. I'd also like to thank Justice Boren, Joseph Lane and the staff who helped up prepare for today's session and to help get together the items needed for the Dedication of the Library Wall.

It is ordered that the proceedings of this memorial session be published in the Official Reports of the opinions of this court, and that a copy of these proceedings be sent to Justice Boland's family.

Thank you all for coming. Court is adjourned and you are welcome to join us in the library for a reception.

Court adjourned at 4:32 p.m.